



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ashkenazi et al. Docket No.: 39780-2730P1C16
Serial No.: 09/990,726 Group Art Unit: 1647
Filing Date: November 14, 2001 Examiner: Spector, Lorraine
For: ANTIBODIES TO PRO809 POLYPEPTIDES

EXPRESS MAIL LABEL NO. EL 993 690 628 US
Date Mailed: November 4, 2004

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Listed below or on an attached Form PTO-1449 is information known to applicant(s). A copy of each listed publication and U.S. and foreign patent, except for pending U.S. applications, is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If form PTO-1449 is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

- ☐ This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):
- ☐ (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)
-- OR --
 - ☐ (2) It is being filed within 3 months of entry of a national stage
-- OR --
 - ☐ (3) It is being filed before the mail date of the first Office Action on the merits
-- OR --
 - ☐ (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.

11/09/2004 FHETEKI1 00000003 081641 09990726

01 FC:1806 180.00 DA

☒ 37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:

☐ a certification as specified in §1.97(e) is provided below; or

☒ a fee of **\$180.00** as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

☐ 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:

A. a certification as specified in §1.97(e) is completed below; and

B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; **and**

C. a fee of \$180.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

☒ *Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of **\$180.00** and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. **08-1641 (Attorney's Docket No. 39780-2730 P1C16).**

Respectfully submitted,

Dated: November 4, 2004

By: Daphne Reddy
Daphne Reddy (Reg. No. 53,507)

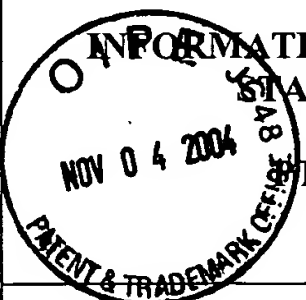
HELLER EHRMAN WHITE & MCAULIFFE LLP

275 Middlefield Road

Menlo Park, California 94025-3506

Telephone: (650) 324-7000

Facsimile: (650) 324-0638

			ATTY. DOCKET NO.:		SERIAL NO.:		
			39780-2730 P1C16		09/990,726		
			APPLICANT : Kevin P. BAKER, et al.				
			FILING DATE: November 14, 2001		GROUP:		
U.S. PATENT DOCUMENTS							
EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE	
FOREIGN PATENT DOCUMENTS							
EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
						<input type="checkbox"/>	<input type="checkbox"/>
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
✓	Dayhoff, Accession No.: P_AAB65214, WO 200073454-A1, Pub Date: December 7, 2000, Ashkenazi, A. J. et al.						
	Dayhoff, Accession No : P_AAY66691, WO 9963088-A2, Pub Date: December 9, 1999, Baker, K. et al.						
✓	Dayhoff, Accession No.: P_AAB24063, WO 200053755-A2, Pub Date: September 14, 2000, Ashkenazi, A. J. et al.						
✓	Dayhoff, Accession No.: P_AAG89176; WO 200142451-A2, Pub Date: June 14, 2001, Dumas Milne, Edwards J. et al.						
✓	GenBank Accession No.: P_AAC58373, WO 200053755-A2, Pub Date: September 14, 2000, Ashkenazi, A. J. et al.						
✓	GenBank Accession No.: P_AAF44176, WO 200073454-A1, Pub Date: December 7, 2000, Ashkenazi, A. J. et al.						
✓	GenBank Accession No.: P_AAZ65030, WO 9963088-A2, Pub Date: December 9, 1999, Baker, K. et al.						
✓	Hanna, J.S., et al., "HER-2/neu Breat Cancer Predictive Testing", Oathology Associates Medical Laboratores, August (1999).						
✓	Hyman, Elizabeth, et al., "Impact of DNA Amplification on Gene Expression Patterns in Breast Cancer ^{1,2} ", <i>Cancer Research</i> 62 6240-6245, November (2002).						
✓	Orntoft, Torben F., et al., "Genome-wide Study of Gene Copy Numbers, Transcripts, and Protein Levels in Pairs of Non-Invasive and Invasive Human Transitional Cell Carcinomas", <i>Molecular & Cellular Proteomics</i> 1:37-45, (2002).						
	Pollack, Jonathan R., et al., "Microarray analysis reveals a major direct role of DNA copy number alteration in the transcriptional program of human breast tumors", <i>PNAS</i> Vol.99, 20:12963-12968, October (2002).						
EXAMINER			DATE CONSIDERED				

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.